



OFFICE OF THE VICE PRESIDENT
WASHINGTON

October 15, 2019

VIA ELECTRONIC MAIL ONLY

The Honorable Elijah E. Cummings
Chairman
House Committee on Oversight and Reform
Washington, D.C. 20515

The Honorable Eliot L. Engel
Chairman
House Committee on Foreign Affairs
Washington, D.C. 20515

The Honorable Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence
Washington, D.C. 20515

Dear Chairmen:

The Office of the Vice President has received the Committees' Letter to the Vice President, dated October 4, 2019, which requests a wide-ranging scope of documents, some of which are clearly not vice-presidential records, pursuant to a self-proclaimed "impeachment inquiry." As noted in the October 8, 2019 letter from the White House Counsel to each of you and to Speaker Nancy Pelosi,¹ the purported "impeachment inquiry" has been designed and implemented in a manner that calls into question your commitment to fundamental fairness and due process rights.

The Office of the Vice President recognizes the oversight role of your respective committees in Congress. Please know that if the Committees wish to return to the regular order of legitimate legislative oversight requests, and the Committees have appropriate requests for information solely in the custody of the Office of the Vice President, we are prepared to work with you in a manner consistent with well-established bipartisan constitutional protections and a respect for the separation of powers. Until that time, the Office of the Vice President will continue to reserve all rights and privileges that may apply, including those protecting executive privileges, national security, attorney-client communications, deliberations, and communications among the President, the Vice President, and their advisors.

As detailed in the White House Counsel Letter, the House of Representatives has not authorized any "impeachment inquiry." Specifically, the operative House rules do not delegate to any committee the authority to conduct an inquiry under the impeachment power of Article I, Section 2 of the Constitution. Instead of being accountable to the American people and casting a vote to authorize what all agree is a substantial constitutional step, you have instead attempted to

¹ Letter from Pat A. Cipollone, White House Counsel, to Speaker Nancy Pelosi and Chairmen Adam B. Schiff, Eliot L. Engel, and Elijah E. Cummings (Oct. 8, 2019).

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avoid this fundamental requirement by invoking the Speaker's announcement of an "official impeachment inquiry" at a press conference.² Never before in history has the Speaker of the House attempted to launch an "impeachment inquiry" against a President without a majority of the House of Representatives voting to authorize a constitutionally acceptable process.

The Office of the Vice President encourages the Committees to forgo their request to the Office of the Vice President, or hold it in abeyance, pending your discussion with the White House Counsel's Office concerning compliance with constitutionally mandated procedures. Similarly, the Office of the Vice President encourages the Committees to first seek information from primary sources that may be responsive to your broad requests.

Sincerely,

A handwritten signature in black ink that reads "Matthew E. Morgan". The signature is fluid and cursive, with the first name "Matthew" being the most prominent.

Matthew E. Morgan

Counsel to the Vice President

cc: Hon. Kevin McCarthy, Minority Leader, House of Representatives
Hon. Jim Jordan, Ranking Member, House Committee on Oversight and Reform
Hon. Michael McCaul, Ranking Member, House Committee on Foreign Affairs
Hon. Devin Nunes, Ranking Member, House Permanent Select Committee on Intelligence

² Speaker of the House Nancy Pelosi, *Press Release: Pelosi Remarks Announcing Impeachment Inquiry* (Sept. 24, 2019), www.speaker.gov/newsroom/92419-0.